

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

**BARBARA FORRESTER,
and GARY FORRESTER,**

Plaintiffs,

v.

**Civil Action No. 3:05-CV-117
(BAILEY)**

**PENN LYON HOMES, INC.
d/b/a PENN LYON HOMES CORPORATION,
a Pennsylvania business corporation;
FOWLER HOMES, LLC, a Virginia
limited liability company; and
PLH ERECTORS, INC.,
a Pennsylvania business corporation,**

Defendants.

ORDER

On this day, the above-styled civil action came before the Court for consideration of all pending motions. After full consideration of the parties' motions and briefs in support thereof, the Court **ORDERS** as follows:

1. That **plaintiffs' motion in limine number 1 [Doc. 108]** to preclude defendants from introducing evidence as to matters resolved by the Court's Order Granting in Part and Denying in Part Defendant Penn Lyon and Defendant Fowler Homes Motion for Summary Judgment is **GRANTED**;
2. That **plaintiffs' motion in limine number 2 [Doc. 108]** to prohibit expert testimony from any of the witnesses listed on defendant's witness list is **GRANTED IN PART AND DENIED IN PART** to the extent that, assuming proper qualifications are shown, a proper witness may provide testimony consistent with previously disclosed statements;
3. That **plaintiffs' motion for a jury view of the plaintiffs' home and premises [Doc. 111]** to which no objections have been filed is **GRANTED**;
4. That **Penn Lyon Homes' motion in limine [Doc. 103]** to exclude evidence pertaining to consequential damages, punitive damages, costs, attorneys'

fees is **GRANTED IN PART, DENIED IN PART, AND DEFERRED IN PART.**

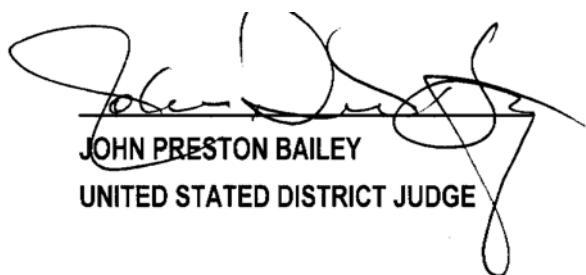
Specifically, the motion is **GRANTED** with respect to attorneys' fees and costs, **DENIED** with respect to properly supported consequential damages, and **DEFERRED** until trial with regard to punitive damages;

5. That **Penn Lyon Homes' motion in limine 2 [Doc. 105]** to exclude any testimony, evidence, or requests for compensatory damages for which the plaintiffs did not incur any monetary loss or were undisputedly the plaintiffs' responsibility is **DEFERRED** until trial;
6. That **Fowler Homes' motion in limine number 1 [Doc. 90]** to prohibit golden rule argument is **GRANTED**;
7. That **Fowler Homes' motion in limine number 2 [Doc. 91]** to exclude certain testimony pursuant to the parol evidence rule is **DEFERRED** until trial;
8. That **Fowler Homes' motion in limine number 3 [Doc. 92]** to prohibit *per diem* argument is **GRANTED**;
9. That **Fowler Homes motion in limine number 4 [Doc. 93]** to exclude character evidence is **DEFERRED** until trial;
10. That **Fowler Homes motion in limine number 5 [Doc. 94]** to prohibit any specific act evidence is **DEFERRED** until trial.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this order to all counsel of record herein.

DATED: November 12, 2007.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE